

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
LANCE R. BISHOP, SR.,**

**Plaintiff,**

**9:21-cv-1027  
(GLS/DJS)**

**v.**

**SERGEANT PATRICK STOTLER**

**Defendant.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Lance R. Bishop, Sr.

*Pro Se*

09-B-1765

Elmira Correctional Facility

P.O. Box 500

Elmira, NY 14902

**FOR THE DEFENDANT:**

HON. LETITIA JAMES

New York State Attorney General

The Capitol

Albany, NY 12224

MATTHEW GALLAGHER

Assistant Attorney General

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Daniel J. Stewart, duly filed January 19, 2023. (Dkt. No. 29.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 29) is **ADOPTED** in its entirety; and it is further

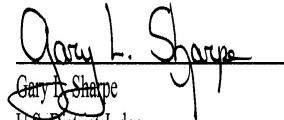
**ORDERED** that defendant's motion for summary judgment (Dkt. No. 20) is **DENIED**; and it is further

**ORDERED** that the case is now deemed trial ready and a trial order will be issued in due course; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

February 9, 2023  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge